

No. 9/5/84-6Lab/8834.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Ambala in respect of the dispute between the workman and the management of M/s Polycas Spun Pipe, Chandi-Mandir (Ambala) :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 33 of 1984

between

SHRI DHARAM PAL, WORKMAN AND THE MANAGEMENT OF M/S POLYCAST SPUN PIPE, CHANDI-MANDIR (AMBALA)

Present :—

Shri Abhay Singh for the workman.

None for the management.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (d) of sub-section (i) of section (10) of the Industrial Disputes Act, 1947, referred the following dispute between Shri Dharam Pal, workman and Management of M/s Polycast Spun Pipe, Chandi-Mandir (Ambala). The terms of the reference are as under:—

Whether the termination of services of Shri Dharam Pal workman was justified and in order ? If to not, what relief is he entitled ?

Both the parties to litigation were duly served through Court notices. Shri Abhay Singh appeared on behalf of the workman along with the Authority Letter and also filed statement of claim. Respondent-management in spite of service failed to appear to contest the claim of Shri Dharam Pal, workman. The management was proceeded *ex parte* on 23rd August, 1984. Workman in support of his *ex parte* evidence appeared in the witness-box. Workman made statement on solemn affirmation that he joined services of the management on 22nd October, 1979, at the wages of Rs. 394.00 P. M. He was terminated on 17th January, 1984 on the false allegation that applicant has not been performing his duties sincerely and faithfully. When no such notice or warning was ever issued to the workman during his above mentioned career for having observed as a negligent in the performance of his duties. In fact, workman filed a claim under the Minimum Wages Act with the Authority under the Minimum Wages Act and Labour Officer-cum-Conciliation Officer, Ambala, in which workman appeared against the management. Applicant prayed for availing his earned leave which were never allowed to him. Notice Ex. A-I is malicious. Without proper notice, inquiry or charge-sheet, services of the applicant have been terminated by the management. Moreover, one Som Nath, Jr. Turner has since been working and one more workman has also been employed by the management.

Workman Shri Dharam Pal also examined Shri Ramji Dass who also corroborated the statement of Shri Dharam Pal, on all the material points.

I have heard Shri Abhay Singh, legal representative of the workman and have minutely perused the *ex parte* evidence and of the view that the management was duly served through registered notice, it knowingly avoided to contest the claim of the workman. Due to that fact *ex parte* proceedings were taken against the management. The *ex parte* evidence fully reveal that Shri Dharam Pal remained in the services of the management since 22nd October, 1979 to 17th January, 1984. His services have been terminated with *mala fide* intention by the management in other words without any fault of the workman. None has turned up on behalf of the management to refute the claim of Shri Dharam Pal, workman. Statement of the workman has been fully supported by Shri Ramji Dass, AW-II who appeared in the witness-box. On the basis of the evidence I am of the considered view that the services of Shri Dharam Pal were terminated by the management illegally, he is entitled to be in service since the day of his termination and also all other benefits which he would have availed of while in service. Hence the award is passed accordingly.

Dated, the 22nd October, 1984.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 532, dated Ambala City the 22nd October, 1984.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.